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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,959	01/26/2004	Dale J. Crook	CRO044/107780	9333

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EXAMINER

SANDY, ROBERT JOHN

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,959

Applicant(s)

CROOK, DALE J.

Examiner

Robert J. Sandy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/26/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 1 and 10 are objected to because of the following informalities:

In claim 1, line 5, the phrase "have a an aperture" should be changed to read as - - having an aperture - -.

In claim 10, there is no antecedent basis for "said fastener".. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Bailey (U. S. Patent No. 3,991,444). Bailey ('444) discloses an adjustable tie strap (20), comprising: an elongated narrow web (24) having first and second ends; the web including on a surface thereof a plurality of spaced apart ratchet teeth (rungs 36); the first end including a fastener (22) having an aperture (apertures defined between adjacent rungs); the fastener including a pawl (38) positioned to engage one of said teeth to prevent withdrawal of said web from said fastener when said second end is inserted through the aperture; and a release tab (42) coupled with said fastener for flexing said fastener to disengage said pawl from said one of said teeth for releasing said web from said fastener;

(concerning claims 2 and 8) the web including a plurality of spaced apart holes (defined between spaced rungs 36 and rails 34) formed therethrough;

(concerning claim 3) the ratchet teeth are oriented transverse to said web;

(concerning claim 4) the fastener is integral with said first web end;

(concerning claim 5) the fastener includes a flexible tongue (42); and the pawl (38) is located on said tongue;

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(concerning claims 6 and 7) further including: an anchor tab (48) extending from said fastener in spaced relation to said release tab (42);

(concerning claim 9) the fastener (22) includes a top wall (end wall adjacent to aperture 30, cross-sectional view shown in Fig. 2), a bottom wall (48, cross-sectional view shown in Fig. 2), a pair of side walls (cross-sectional view of head side walls shown in Fig. 3); the top wall includes a flexible tongue; and the pawl is located on the tongue;

(concerning claim 10) Bailey ('444) discloses a strap fastener mechanism (22) for joining a first strap portion with a second strap portion having at least one ratchet tooth positioned on a surface thereof, and comprising: an aperture (30) and a pawl (38) positioned to engage said tooth and to prevent withdrawal of said second strap portion from said fastener; a release tab (42) coupled with said fastener for flexing said fastener to disengage said pawl from said tooth for releasing said second strap portion from said fastener;

(concerning claim 11) the fastener includes a flexible tongue (32); and the pawl is located on said tongue; and

(concerning claim 12) further including: an anchor tab (48) extending from said fastener in spaced relation to said release tab.

Allowable Subject Matter

Claim 13 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: regarding claim 13, the prior art of record fails to teach or suggest a flexible tie strap having the structural combination at least requiring wherein the top wall of the integral fastener includes an aperture and a flexible tongue, and the web includes a plurality of spaced apart holes formed through the web.

Regarding the prior art device of Ikeda et al. (U.S. Patent No. 5,224,244), Ikeda et al. ('244) discloses a substantial portion of the claim 13 tie strap, except for wherein the web includes a plurality of spaced apart holes formed through the web. It would not have been obvious to have modified the web of Ikeda et al. ('244) to have the plurality of holes, in view of Bailey ('444), where Bailey ('444) shows a tie strap having holes between adjacent rungs, since Bailey ('444) at least does not suggest modifying the top wall of the fastener structure of Ikeda et

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al. ('244) to include the structure of pawl 32. There would be no motivation to adapt the strap tie of Ikeda et al. ('244) to have it strap having a plurality of holes therethrough. Regarding the strap and buckle combination of Thomas (U.S. Patent No. 3,900,923), there would be no motivation to modify the cable ties of the cited prior art since Thomas's device is disclosed for used in roller skates, which would be non-analogous art opposing the field of endeavor of cable ties, for instance, as represented by the bundling/cable ties Ikeda et al. ('244) Khokhar (U.S. Patent No. 6,185,791), Kreiseder (U.S. Patent No. 4,236,280), Osada (U.S. Patent No. 4,705,245), Chang (U.S. Patent No. 5,687,456), Sampson (U.S. Patent No. 5,293,669), and Nakamura (U.S. Patent No. 4,958,791), and the cable clamps of Wells, Jr. (U.S. Patent No. 4,317,262) and Matsui (U.S. Patent No. 4,439,896).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

A communication was received on 17 September 2004 indicating a "Change of Address" submitted by a Thomas A. O'Rourke (Reg. No. 27,665). The Change of Address (correspondence) has not been entered since the registered person is not of record to represent the applicant and therefore is not authorized to change the correspondence address. See 37 C.F.R. § 1.33.

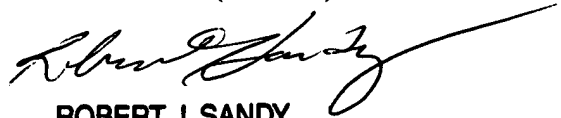
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ROBERT J. SANDY
PRIMARY EXAMINER

Robert J. Sandy
Primary Examiner
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